

1 DOUGLAS R. DAVIS
2 KEEBAL, YOUNG & LOGAN
3 1029 West Third Avenue, Suite 650
4 Anchorage, Alaska 99501-1954
doug.davis@kyl.com
Telephone: (907) 279-9696
Facsimile: (907) 279-4239

5 Attorneys for Crowley Marine Services, Inc.

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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ALASKA**

9

10 GARY J. CROCHET,) Case No. 3:05-cv-0288-TMB
11 Plaintiff,)
12)
13 vs.)
14)
15 CROWLEY MARINE SERVICES, INC.)
16 Defendant.) **MEMORANDUM IN SUPPORT OF**
17) **MOTION TO CONTINUE**
18) **PRETRIAL DEADLINES**
19)
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26)

19 Defendant Crowley Marine Services moves the court for an order
20 continuing pretrial deadlines presently established in this case. No trial date has
21 been set. Neither party has previously sought a continuance in this matter.
22 Plaintiff does not oppose the motion for continuance. See Affidavit of Counsel
23 attached as Exhibit 1.

24 Plaintiff alleges that he sustained an injury to his neck in October
25 2004 when he slipped and fell on board defendant's barge while plaintiff was
26 employed as chief mate on board the barge. On June 28, 2006, plaintiff

1 underwent surgery to his neck which included anterior cervical decompression at
2 two levels in his neck along with fusion of the cervical vertebrae. Plaintiff has not
3 yet had time to fully recover from his surgery. Therefore it will not be possible to
4 properly evaluate his present medical and physical condition in time to comply
5 with various pretrial deadlines which are now pending. The present pretrial
6 order calls for exchange of expert reports on September 1, 2006. The parties will
7 not have adequate time to prepare and serve expert witness reports on the issues
8 of plaintiff's ability to return to work, and the ultimate impact, if any, of this
9 alleged accident on plaintiff's ability to work in the future. Since plaintiff claims
10 that he is totally disabled from returning to work as a seaman due to his alleged
11 accident, defendant should have an opportunity to have its experts review and
12 evaluate plaintiff's medical condition and his ability to return to the workforce
13 once he has had sufficient time to recuperate and heal from his surgery.
14 Defendant should be allowed to have an independent medical evaluation of
15 plaintiff once he has fully recovered.

16 With expert witness disclosures now due September 1, 2006, and final
17 revised witness lists due September 29, 2006, the parties will not be able to
18 adequately prepare and complete discovery by the scheduled deadline of
19 November 30, 2006. Defendant therefore seeks a continuance of the present
20 pretrial deadlines so as to better accommodate the needs of the parties with
21 respect to completing discovery.

22 Additionally, defendant presently has pending before the court a
23 motion for partial summary judgment regarding plaintiff's claims for wrongful
24 discharge. The motion is now ripe for decision, and defendant is hopeful that the
25 court's ruling on the motion will simplify the issues remaining for trial in this
26 case. Therefore, defendant also requests the present continuance to allow time

1 for completion of the court's decision on the motion so that the parties can then
2 focus on the issues to be tried in the case and complete their discovery in an
3 orderly fashion.

4 The present motion for continuance is not opposed by counsel for
5 plaintiff, and is not sought to delay prosecution of this case. The parties should
6 be allowed sufficient time to develop their claims and defenses which are in large
7 part based upon plaintiff's recuperation from his surgery, and the motion now
8 pending before the court.

9 Defendant accordingly now respectfully requests that the court vacate
10 the present scheduling and planning order and that a status order be scheduled
11 as soon as convenient so that a new pretrial schedule can be established.

12 DATED at Anchorage, Alaska this 18th day of August, 2006.

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14 KEESAL, YOUNG & LOGAN
15 Attorneys for Crowley Marine Services, Inc.

16 s/DOUGLAS R. DAVIS
17 1029 W. Third Avenue, Suite 650
18 Anchorage, AK 99501
19 (907) 279-9696
20 (907) 279-4239 facsimile
21 doug.davis@kyl.com
22 Alaska Bar No. 7605022
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24
25
26

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2 CERTIFICATE OF SERVICE:

3 I HEREBY CERTIFY THAT I CAUSED TO
4 BE SERVED A TRUE AND CORRECT COPY
5 OF THE FOREGOING THIS 18TH DAY OF
6 AUGUST, 2006 TO:

7 Via Email

8 Heather L. Gardner
9 Law Office of Michael J. Patterson
10 810 W. 2nd Avenue
11 Anchorage, AK 99501

12
13 s/ DOUGLAS R. DAVIS

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